

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10991-NG

KENNETH M. WHITE and)
MANDY DIAS)
)
Plaintiff)
)
vs.)
)
ERIC MADONNA and CITY OF)
FALL RIVER,)
)
Defendants)

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS
2004 JUL 15 PM 4:16
CLERK'S OFFICE

**PLAINTIFF KENNETH M. WHITE'S INITIAL DISCLOSURES
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**

Pursuant to Fed.R.Civ.Pr. 26(a)(1), plaintiff Kenneth M. White submits the following initial disclosures. The disclosures are based on information and documents reasonably available at this time. Plaintiff reserves the right to amend or supplement the disclosures based on discovery and/or further investigation.

A. Individuals Likely To Have Discoverable Information

1. Kenneth M. White
122 Ocean View Avenue
Swansea, MA 02777

Mr. White is a plaintiff in this case and is familiar with the facts, circumstances and claims alleged.

2. Mandy Dias
34 Watson Street
Fall River, MA 02721

Ms. Dias is a plaintiff in this case and is familiar with the facts, circumstances and claims alleged.

3. Eric Madonna
(Residential Address Unknown)
Fall River Police Department
685 Pleasant Street
Fall River, MA 02721

Mr. Madonna is an officer in the Fall River Police Department. He is a defendant in this case and is familiar with the facts, circumstances and claims alleged.

4. James Smith
Fall River Police Department
685 Pleasant Street
Fall River, MA 02721

Mr. Smith is an officer in the Fall River Police Department. Mr. Smith was present as a companion of defendant Eric Madonna at the place, day and time when the events alleged in the Complaint occurred. On information and belief, Mr. Smith is familiar with the facts and circumstances alleged.

5. Kevin Leonardo
1901 Milk Street
Dighton, MA 02715

Mr. Leonardo is an individual who was involved in a disturbance with defendant Eric Madonna at the place, day and time when the events alleged in the Complaint occurred. On information and belief, Mr. Leonardo is familiar with the facts and circumstances alleged.

6. Diane Aguiar
Address Unknown

Ms. Aguiar is an administrative employee of the Fall River Police Department. Ms. Aguiar was present as a companion of defendant Eric Madonna at the place, day and time when the events alleged in the Complaint occurred. On information and belief, Ms. Aguiar is familiar with the facts and circumstances alleged.

7. Lisa Pacheco
Address Unknown

Ms. Pacheco is an individual who was present as a companion of defendant Eric Madonna at the place, day and time when the events alleged in the Complaint occurred. On information and belief, Ms. Pacheco is familiar with the facts and circumstances alleged.

8. David Gouveia
Fall River Police Department
685 Pleasant Street
Fall River, MA 02721

Mr. Gouveia is an officer in the Fall River Police Department. Mr. Gouveia was the police officer who responded to an incident at the place, day and time when the events alleged in the Complaint occurred. Mr. Gouveia filed an arrest report concerning the incident.

9. James Loos
Fall River Police Department
685 Pleasant Street
Fall River, MA 02721

Mr. Loos is an officer in the Fall River Police Department. On information and belief, Mr. Loos was present at the place, day and time when the events alleged in the Complaint occurred.

10. Michael Fogarty
Fall River Police Department
685 Pleasant Street
Fall River, MA 02721

Mr. Fogarty is an officer in the Fall River Police Department. On information and belief, Mr. Fogarty was present at the place, day and time when the events alleged in the Complaint occurred.

11. John DeMello
Fall River Police Department
685 Pleasant Street
Fall River, MA 02721

Mr. DeMello is an officer in the Fall River Police Department. On information and belief, Mr. DeMello is familiar with an internal investigation conducted by the Fall River Police Department and defendant City of Fall River into the facts and circumstances alleged in the Complaint.

B. Relevant Documents

1. Defendant Eric Madonna's personnel records as maintained by the Fall River Police Department and/or defendant City of Fall River.

2. All records of the internal investigation by the Fall River Police Department and/or defendant City of Fall River into the incident that is the basis of this Complaint.

3. All documents and materials in the nature of guidelines, directives, policy statements, procedural manuals, and training materials, without exclusion, maintained by the Fall River Police Department and/or defendant City of Fall River, concerning police policy, custom and practice, including discipline of police officers generally.

4. Arrest Report concerning the incident alleged in the Complaint filed by Fall River Police Officer David Gouveia on April 27, 2002.

5. Medical records and bills concerning plaintiff Kenneth M. White's injuries sustained as a result of the incident alleged in the Complaint.

6. Color photographs that fairly and accurately depict plaintiff Kenneth M. White's injuries sustained as a result of the incident alleged in the Complaint.

7. Transcripts of Magistrate's Hearing, Fall River District Court, September-October 2002, in the matter of Mandy Dias vs. Eric Madonna and another, and Kenneth White vs. Eric Madonna and another.

C. Damages

Plaintiff Kenneth M. Whites seeks compensatory and punitive money damages in amounts to be determined at trial against defendant Eric Madonna for violation of their Constitutional rights under color of state law, pursuant to 42 U.S.C. §1983, and for defendant Eric Madonna's assault and battery, false arrest, false imprisonment, malicious prosecution, and intentional infliction of emotional distress. Plaintiffs also seek interest, costs and reasonable attorneys' fees pursuant to the statutory claim.

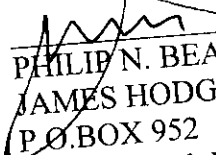
Plaintiff Kenneth M. Whites seeks compensatory and punitive money damages in amounts to be determined at trial, against defendant City of Fall River pursuant to 42 U.S.C. §1983 for its negligent supervision of its police officers and its tacit ratification of its police officers' violation of plaintiff's Constitutional rights. Plaintiff also seeks interest, costs and reasonable attorneys' fees pursuant to the statutory claim.

D. Insurance

Not applicable.

Plaintiff Kenneth White,
By His Attorneys,

BEAUREGARD, BURKE & FRANCO


PHILIP N. BEAUREGARD BBO#034780
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Dated: July 13, 2004

CERTIFICATE OF SERVICE

I, James Hodgson, do hereby certify that I served a copy of the within Joint Statement of the Parties, along with Plaintiff Kenneth M. White's Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1) upon:

Thomas F. McGuire, Jr., Esquire
Law Department
City of Fall River
One Government Center
Fall River, MA 02722

Brian Corey, Jr., Esquire
1041 Main Road
Westport, MA 02790

via first class mail, postage prepaid, on this 13th day of July, 2004.



JAMES HODGSON